

**Summary of Final American Recovery and Reinvestment Act of 2009**  
**(text in blue applies directly to state SRF programs)**

<b>GENERAL PROVISIONS</b>	
<b>Relationship to Other Approps.</b>	Sec. 1601. Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved. Enactment of this Act shall have no effect on the availability of amounts under the Continuing Appropriations Resolution, 2009 (division A of Public Law 110-329).
<b>Preference for Quick Start</b>	Sec. 1602. In using funds made available in this Act for infrastructure investment, recipients <b>shall give</b> preference to activities that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds for activities that can be initiated not later than 120 days after the date of the enactment of this Act. Recipients <b>shall</b> also use grant funds in a manner that maximizes job creation and economic benefit.
<b>Period of Availability</b>	Sec. 1603. All funds appropriated in this Act <b>shall</b> remain available for obligation until September 30, 2010, unless expressly provided otherwise in this Act.
<b>Prohibited Uses</b>	Sec. 1604. <b>None of the funds</b> appropriated or otherwise made available <b>in this Act may be used</b> by any State or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.
<b>Use of American Iron, Steel, and Manufactured Goods</b>	Sec. 1605. Use of American Iron, Steel, and Manufactured Goods. (a) <b>None of the funds</b> appropriated or otherwise made available by this Act <b>may be used</b> for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. (b) Subsection (a) shall not apply in any case or category of cases in which the head of the Federal department or agency involved finds that-- (1) applying subsection (a) would be inconsistent with the public interest; (2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and

	<p>reasonably available quantities and of a satisfactory quality; or</p> <p>(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.</p> <p>(c) If the head of a Federal department or agency determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the head of the department or agency shall publish in the Federal Register a detailed written justification as to why the provision is being waived.</p> <p>(d) This section shall be applied in a manner consistent with United States obligations under international agreements.</p>
<b>Wage Rate Requirement</b>	<p>Sec. 1606. Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, <b>all laborers and mechanics employed by contractors and subcontractors on projects</b> funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act <b>shall be paid wages at rates not less than those prevailing</b> on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.</p>
<b>E-Verify Immigration</b>	NO LONGER THERE
<b>Accountability</b>	See Separate Table on Reporting Requirements
<b>Transparency</b>	<p>SEC. 1511. Certifications</p> <p>With respect to covered funds made available to State or local governments for infrastructure investments, the Governor, mayor, or other chief executive, as appropriate, <b>shall certify</b> that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Such certification <b>shall</b> include a description of the investment, the estimated total cost, and the amount of covered funds to be used, and <b>shall</b> be posted on a website and linked to the website established by section 1526. A State or local agency <b>may not receive infrastructure investment funding</b> from funds made available in this Act <b>unless this certification is made and posted.</b></p>

<b>NEPA</b>	<p>Sec. 1609. (a) Findings. --</p> <p>(1) The National Environmental Policy Act protects public health, safety and environmental quality: by ensuring transparency, accountability and public involvement in federal actions and in the use of public funds;</p> <p>(2) When President Nixon signed the National Environmental Policy Act into law on January 1, 1970, he said that the Act provided the ``direction" for the country to ``regain a productive harmony between man and nature";</p> <p>(3) The National Environmental Policy Act helps to provide an orderly process for considering federal actions and funding decisions and prevents litigation and delay that would otherwise be inevitable and existed prior to the establishment of the National Environmental Policy Act.</p> <p>(b) Adequate resources within this bill must be devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act are completed on an expeditious basis and that the shortest existing applicable process under the National Environmental Policy Act shall be utilized.</p> <p>(c) The President shall report to the Senate Environment and Public Works Committee and the House Natural Resources Committee every 90 days following the date of enactment until September 30, 2011 on the status and progress of projects and activities funded by this Act with respect to compliance with National Environmental Policy Act requirements and documentation.</p>
<b>Prohibition on No-bid contracts and earmarks</b>	<p>Sec. 1610. (a) <b>None of the funds</b> appropriated or otherwise made available by this Act, for projects initiated after the effective date of this Act, <b>may be used by an executive agency</b> to enter into any Federal contract unless such contract is entered into in accordance with the Federal Property and Administrative Services Act (41 U.S.C. 253) or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.</p>
<b>Fixed Price Contracts</b>	<p>Sec. 1554 To the maximum extent possible, <b>contracts funded under this Act shall be awarded as fixed-price contracts</b> through the use of competitive procedures. A summary of any contract awarded with such funds that is not fixed-price and not awarded using competitive procedures shall be posted in a special section of the website established in section 1526.</p>
<b>Protecting Whistleblowers</b>	<p>SEC. 1553. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS ---</p> <p>Section is not summarized here because of its length, but people might want to review it.</p>

**REPORTING REQUIREMENTS FOR ACCOUNTABILITY**  
**Section 1512. a) Short Title.--This section may be cited as the ``Jobs Accountability Act''**

<p><b>1512 (b)</b> <b>Definitions</b></p>	<p>(b) Definitions.--In this section:</p> <p>(1) Recipient.--The term ``<b>recipient</b>''--</p> <p>(A) means any <b>entity that receives recovery funds directly from the Federal Government (including recovery funds received through grant, loan, or contract) other than an individual; and</b></p> <p>(B) <b>includes a State that receives recovery funds.</b></p> <p>(2) Recovery funds.--The term ``recovery funds" means any funds that are made available from appropriations made under this Act.</p>
<p><b>1512 (c)</b> <b>Recipient Report Due Dates and Content</b></p>	<p>(c) Recipient Reports.--<b>Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a Federal agency shall submit a report to that agency that contains--</b></p> <p>(1) the <b>total amount of recovery funds received</b> from that agency;</p> <p>(2) the <b>amount of recovery funds received that were expended or obligated to projects or activities; and</b></p> <p>(3) <b>a detailed list of all projects or activities</b> for which recovery funds were expended or obligated, including—</p> <p>(A) the <b>name</b> of the project or activity;</p> <p>(B) a <b>description</b> of the project or activity;</p> <p>(C) an evaluation of the <b>completion status</b> of the project or activity;</p> <p>(D) an <b>estimate of the number of jobs created and the number of jobs retained</b> by the project or activity; and</p> <p>(E) <b>for infrastructure investments</b> made by State and local governments, <b>the purpose, total cost, and rationale of the agency for funding the infrastructure investment</b> with funds made available under this Act, and <b>name of the person to contact</b> at the agency if there are concerns with the infrastructure investment.</p> <p>(4) <b>Detailed information on</b> any subcontracts or <b>subgrants</b> awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.</p>

<b>(d) Agency Report Deadlines</b>	(d) Agency Reports.-- <b>Not later than 30 days after the end of each calendar quarter</b> , each agency that made recovery funds available to any recipient <b>shall</b> make the information in reports submitted under subsection (c) publicly available by posting the information on a website.
<b>(e) Other Reports</b>	(e) Other Reports.--The Congressional Budget Office and the Government Accountability Office shall comment on the information described in subsection (c)(3)(D) for any reports submitted under subsection (c). Such comments shall be due within 45 days after such reports are submitted.
<b>(f) Requiring Compliance</b>	(f) Compliance.--Within 180 days of enactment, as a condition of receipt of funds under this Act, <b>Federal agencies shall require any recipient of such funds to provide the information required under subsection (c).</b>
<b>(g) Agency Guidance</b>	(g) Guidance.--Federal agencies, in coordination with the Director of the Office of Management and Budget, <b>shall provide for user-friendly means for recipients of covered funds to meet the requirements</b> of this section.
<b>(h) Registering for Contracts</b>	(h) Registration.--Funding recipients required to report information per subsection (c)(4) must register with the Central Contractor Registration database or complete other registration requirements as determined by the Director of the Office of Management and Budget.

SRF Provisions	
<b>Capitalization Levels</b>	(1) \$4,000,000,000 <b>shall</b> be for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act and \$2,000,000,000 <b>shall</b> be for capitalization grants under section 1452 of the Safe Drinking Water Act
<b>Funds for EPA Administration</b>	That the Administrator <b>may retain up to 1 percent of the funds</b> appropriated herein for management and oversight purposes AND Funds made available to the Environmental Protection Agency by this Act for management and oversight purposes shall remain available until September 30, 2011, and may be transferred to the ``Environmental Programs and Management" account as needed.
<b>Waiver of State Match</b>	That funds appropriated herein <b>shall not be subject to the matching or cost share requirements</b> of sections 602(b)(2), 602(b)(3) or 202 of the Federal Water Pollution Control Act nor the matching requirements of section 1452(e) of the Safe Drinking Water Act
<b>Reallocation of Funds after 12 months</b>	That the <b>Administrator shall reallocate funds</b> appropriated herein for the Clean and Drinking Water State Revolving Funds (Revolving Funds) <b>where projects are not under contract or construction within 12 months</b> of the date of enactment of this Act
<b>Priority for Funding to Projects Ready to Proceed</b>	That notwithstanding the priority rankings they would otherwise receive under each program, <b>priority for funds</b> appropriated herein <b>shall be given to projects on a State priority list that are ready to proceed to construction within 12 months</b> of the date of enactment of this Act
<b>Reserve for Additional Subsidization</b>	That notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act or section 1452(f) of the Safe Drinking Water Act, for the funds appropriated herein, <b>each State shall use not less than 50 percent</b> of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these
<b>Reserve for Green,</b>	That, to the extent there are sufficient eligible project applications, <b>not less than 20 percent of the funds</b> appropriated herein for the Revolving Funds <b>shall be for projects</b> to address green infrastructure, water or energy

<b>Efficient, Innovative Projects</b>	efficiency improvements or other environmentally innovative activities
<b>Increase in CW Tribal Set-Aside</b>	That notwithstanding the limitation on amounts specified in section 518(c) of the Federal Water Pollution Control Act, <b>up to 1.5 percent of the funds</b> appropriated herein for the Clean Water State Revolving Funds <b>may be reserved</b> by the Administrator for tribal grants under section 518(c) of such Act
<b>Allowance for Administration of Tribal Funds</b>	That <b>up to 4 percent of the funds</b> appropriated herein for tribal set-asides under the Revolving Funds <b>may be transferred</b> to the Indian Health Service to support management and oversight of tribal projects
<b>Restriction on Land Purchase and DWSRF 1452k set-aside</b>	That <b>none of the funds</b> appropriated herein <b>shall be available for the purchase of land or easements</b> as authorized by section 603(c) of the Federal Water Pollution Control Act <b>or for activities authorized by section 1452(k)</b> of the Safe Drinking Water Act
<b>Restriction on Refinancing</b>	That notwithstanding section 603(d)(2) of the Federal Water Pollution Control Act and section 1452(f)(2) of the Safe Drinking Water Act, <b>funds may be used to buy, refinance or restructure the debt obligations</b> of eligible recipients <b>only where such debt was incurred on or after October 1, 2008</b>
<b>Funding for IG</b>	For an additional amount for ``Office of Inspector General'', \$20,000,000, to remain available until September 30, 2012.